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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/142,043	12/01/1998	DANUTA EWA IRENA MOSSAKOWSKA	88362/104	1645

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EXAMINER
HAMUD, FOZIA M

ART UNIT	PAPER NUMBER
1647	25

DATE MAILED: 01/09/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

file copy

Advisory Action

Application No.	Applicant(s)
09/142,043	MOSSAKOWSKA et al.
Examiner	**Art Unit**
Fozia Hamud	1647

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED *Dec 18, 2001* FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid the abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

THE PERIOD FOR REPLY [check only a) or b)]

a) ☒ The period for reply expires 12 months from the mailing date of the final rejection.

b) ☐ In view of the early submission of the proposed reply (within two months as set forth in MPEP § 706.07 (f)), the period for reply expires on the mailing date of this Advisory Action, OR continues to run from the mailing date of the final rejection, whichever is later. In no event, however, will the statutory period for the reply expire later than SIX MONTHS from the mailing date of the final rejection.

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☒ A Notice of Appeal was filed on *Jul 11, 2001*. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.

2. ☐ The proposed amendment(s) will be entered upon the timely submission of a Notice of Appeal and Appeal Brief with requisite fees.

3. ☒ The proposed amendment(s) will not be entered because:

 (a) ☒ they raise new issues that would require further consideration and/or search. (See NOTE below);

 (b) ☐ they raise the issue of new matter. (See NOTE below);

 (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

 (d) ☐ they present additional claims without cancelling a corresponding number of finally rejected claims.

 NOTE: *The amendment of claims 37- 57 raises new rejections, under 35 U.S.C. §112, second paragraph and it also fails to overcome the double patenting rejection against claims 37, 51 and 57.*

4. ☒ Applicant's reply has overcome the following rejection(s):
The rejection of claims 37-57 made under 112, second paragraph for reciting "SCR3 derivied polypeptide" and "at least portion of", and the rejction of claim 48 made under 112, second paragraph..

5. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment cancelling the non-allowable claim(s).

6. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because:

7. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

8. ☒ For purposes of Appeal, the status of the claim(s) is as follows (see attached written explanation, if any):
 Claim(s) allowed: _____
 Claim(s) objected to: _____
 Claim(s) rejected: *37-57*

9. ☐ The proposed drawing correction filed on _____ a) ☐ has b) ☐ has not been approved by the Examiner.

10. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.

11. ☐ Other:

Prema Mertz
PREMA MERTZ
PRIMARY EXAMINER